

REMARKS

This is a full and timely response to the final Official Action mailed February 24, 2004 (Paper No. 10). Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Withdrawn claims 25-29 are cancelled herein. Claims 1-11, 30-38 and 46-58 are also cancelled herein. Claims 20-24 were cancelled previously. Thus, claims 12-19 and 39-45 are currently pending for further consideration.

In the outstanding Office Action, the specification was objected to as not providing proper antecedent basis for the subject matter in claims 1 and 2. This objection is rendered moot by the cancellation herein of claims 1 and 2.

Next, the final Office Action objected to claims 2, 16, 19, 33, 36, 38, 41, 45, 47 and 54 due to various informalities. While some of these claims have been cancelled herein, those that remain have been carefully reviewed in light of the Examiner's comments and amended as necessary. Following this amendment, all the remaining claims are believed to be in proper form and notice to that effect is respectfully requested.

The amendments to the claims offered herein are made only to correct the informalities noted by the Examiner. None of the amendments do, or are intended to, narrow or alter the scope of any claim.

Consequently, entry and consideration of this amendment are proper under 37 C.F.R. § 1.116 for at least the following reasons. The present amendment makes only those changes necessary to place the application in better form as directed and suggested by the Examiner.

The amendment does not raise new issues requiring further search or consideration.

Therefore, entry of the present amendment is proper under 37 C.F.R. § 116 and is hereby requested.

With regard to the prior art, a number of rejections were made under 35 U.S.C. § 102 and § 103(a) based principally on U.S. Patent No. 4,638,649 to Chao (“Chao”) and U.S. Patent No. 2,642,300 to Pelcin (“Pelcin”). All rejections of claims 1-11, 30-38 and 46-58 are rendered moot by the cancellation herein of those claims.

Consequently, the only prior art rejections that remain to be addressed are those rejections made of claims 12-19 and 39-45. Claims 12, 14, 15, 30-33 and 39-41 were rejected as unpatentable under 35 U.S.C. § 103(a) over the subject matter of Figs. 1 and 2 of Applicant’s specification in combination with the teachings of Chao. Claims 13, 16, 17, 42 and 43 were rejected under 35 U.S.C. § 103(a) over the subject matter of Figs. 1 and 2 of Applicant’s specification in combination with the teachings of Chao and Pelcin. For at least the following reasons, these rejections are respectfully traversed.

Claim 12 recites:

A holding mechanism comprising:
a lever handle housing for housing a lever handle when said lever handle is in a closed position; and
a lever arm comprising said lever handle attached to the housing, an end of the lever arm opposite said lever handle extending through a hole in said housing;
wherein said lever handle housing comprises at least one deflectable wing extending at said hole in said housing; and
wherein said end of said lever arm comprises at least one protrusion disposed to interfere with said at least one wing such that said lever arm is maintained in an open or closed position by abutments of said at least one protrusion and said at least one wing unless sufficient force is applied to deflect said wing and allow said protrusion to pass by said wing.

In contrast, neither Figs. 1 and 2 of Applicant's specification nor Chao teach or suggest a deflectable wing that extends from a handle housing at a hole in that housing through which a lever extends. Neither Figs. 1 and 2 nor Chao teach or suggest a protrusion on a lever arm that interferes with such a deflectable wing to maintain the lever in either an open or closed position until sufficient force is applied to deflect the wing and allow the protrusion to pass the wing.

Independent claim 39 similarly recites:

A method of selectively securing an access panel comprising:
providing a lever handle housing for housing a lever handle when said lever handle is in a closed position, said housing being disposed in said access panel and comprising at least one deflectable wing extending at a hole in said housing;
attaching a lever arm comprising said lever handle to the housing, an end of the lever arm opposite said lever handle extending through said hole in said housing and comprising at least one protrusion disposed to interfere with said at least one wing;
maintaining said lever arm in an open or closed position by abutments of said at least one protrusion and said at least one wing until sufficient force is applied to deflect said wing and allow said protrusion to pass by said wing.

As before, neither Figs. 1 and 2 nor Chao teach or suggest providing a lever handle "and comprising at least one deflectable wing extending at a hole in said housing." Neither Figs. 1 and 2 nor Chao teach or suggest "maintaining said lever arm in an open or closed position by abutments of said at least one protrusion and said at least one wing until sufficient force is applied to deflect said wing and allow said protrusion to pass by said wing."

The final Office Action does not indicate how or where the cited prior art teaches or suggests these features of claims 12 and 39.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580

(CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). Consequently, the rejection of claims 12-19 and 39-45 should be reconsidered and withdrawn.

Claim 14 recites that "the end of said lever arm comprises two protrusions on opposite sides of said end of said lever arm; and wherein the housing further comprises two wings disposed on opposite sides of said end of said lever arm and adapted for releasing engagement with said protrusions." Claim 40 recites similar subject matter.

Neither Figs. 1 and 2 nor Chao teach or suggest the subject matter of claims 14 and 40. Moreover, the final Office Action does not indicate how or where the cited prior art teaches the features of claims 14 and 40. For at least this additional reason, the rejection of claims 14 and 40 should be reconsidered and withdrawn.

Claim 15 recites that "said protrusion comprises a rounded surface to facilitate movement past said at least one wing element with the application of force to said lever arm." Claim 41 recites similar subject matter.

Neither Figs. 1 and 2 nor Chao teach or suggest the subject matter of claims 15 and 41. Moreover, the final Office Action does not indicate how or where the cited prior art teaches the features of claims 15 and 41. For at least this additional reason, the rejection of claims 15 and 41 should be reconsidered and withdrawn.

For the foregoing reasons, the present application is thought to be clearly in condition for allowance. Accordingly, favorable reconsideration of the application in light of these remarks is courteously solicited. If the Examiner has any comments or suggestions



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which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

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